

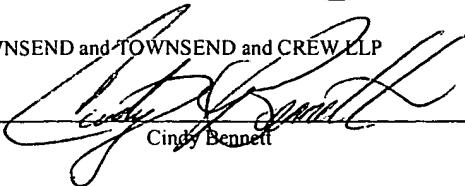
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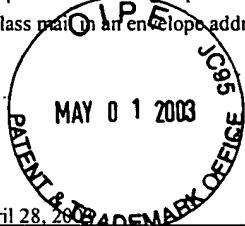
TOWNSEND and TOWNSEND and CREW LLP

By:



Cindy Bennett

PATENT
Attorney Docket No.: 040020-009400US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re application of:

William E. San Filippo III

Application No.: 09/920,081

Filed: July 31, 2001

For: METHOD FOR MEASURING LOAD
BETWEEN MCDN DEVICES FOR USE
IN DETERMINING PATH WITH
OPTIMAL THROUGHPUT

Examiner: *Unassigned*

Technology Center 2600

Art Unit: 2661

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR
§1.97 and §1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

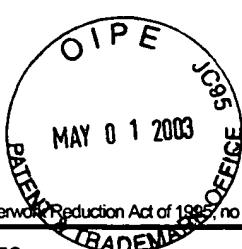
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Respectfully submitted,

Thomas D. Franklin
Reg. No. 43,616

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DE 7102688 v1



PTO/SB/08B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	09/920,081	RECEIVED
Filing Date	July 31, 2001	MAY 02 2003
First Named Inventor	Filippo, William E.	Technology Center 2600
Art Unit		
Examiner Name		

Page

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of

Attorney Docket Number

040020-009400US

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-4,718,081	01-05-1988	Brenig	
	AB	US-4,780,885	10-25-1988	Paul, et al.	
	AC	US-4,850,036	07-18-1989	Smith	
	AD	US-5,129,096	07-07-1992	Burns	
	AE	US-5,257,399	10-26-1993	Kallin, et al.	
	AF	US-5,280,288	01-18-1994	Sherry, et al.	
	AG	US-5,355,522	10-11-1994	Demange	
	AH	US-5,513,183	04-30-1996	Kay, et al.	
	AI	US-5,541,954	07-30-1996	Emi	
	AJ	US-5,546,422	08-13-1996	Yokey, et al.	
	AK	US-5,619,493	04-08-1997	Ritz, et al.	
	AL	US-5,737,358	04-07-1998	Ritz, et al.	
	AM	US-5,805,633	09-08-1998	Uddenfeldt	
	AN	US-5,937,002	08-10-1999	Andersson, et al.	
	AO	US-6,023,462	02-08-2000	Nieczyporowicz, et al.	
	AP	US-6,240,125 B1	05-29-2001	Andersson, et al.	
	AQ	US-6,252,861 B1	06-26-2001	Bernstein, et al.	
	AR	US-6,272,313 B1	08-07-2001	Arsenault, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	AS					<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AT	RUTGERS, CHARLES L. HEDRICK, Cisco - An Introduction to IGRP, The State University of New Jersey, Center for Computers and Information Services, Laboratory for Computer Science Research, 22 August 1991, 25 pages.	
	AU	KAHN, ROBERT E., et al., Advances in Packet Radio Technology, Proceedings of the IEEE, November 1978, Vol. 66, No. 11.	

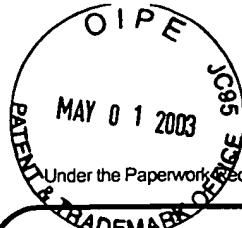
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/920,081
Filing Date	July 31, 2001
First Named Inventor	Filippo, William E. RECEIVED
Art Unit	2661
Examiner Name	Unassigned

Total Number of Pages in This Submission

4

Technology Center 2600

MAY 02 2003

ENCLOSURES (Check all that apply)

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<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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Firm or Individual	Townsend and Townsend and Crew LLP	Reg. No. 43,616
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Date	April 28, 2003	

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